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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

New Caledonia

Working paper prepared by the Secretariat

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I. General

1. New Caledonia[1] is located in the Pacific Ocean, about 1,500 kilometres east of Australia and 1,700 kilometres north of New Zealand. It comprises one large island, known as Grande Terre, and smaller islands known as the Loyalty Islands (Ouvéa, Maré, Lifou and Tiga), the Bélap Archipelago, the Isle of Pines and Huon Islands. There are also several uninhabited islands to the north of the Loyalty Islands. The area of Grande Terre is 16,750 square kilometres, and that of the Territory is 19,103 square kilometres. Nouméa, the capital, is located in the south of Grande Terre. The Territory is divided into three provinces, South and North (on Grande Terre) and the Loyalty Islands.

2. According to the 1996 census, the population was 196,836, comprising indigenous Melanesians known as Kanaks (42.5 per cent); persons of European origin, mainly French (37.1 per cent); Wallisians (8.4 per cent); Polynesians (3.8 per cent); and others, mainly Indonesians and Vietnamese (8.2 per cent). The census also showed almost half the population to be under 25 years old. In January 1999, the estimated population was 206,001. The majority of the population (68 per cent) lives in the South Province, mainly around the greater Nouméa area, while 21 per cent live in the North Province and only 10.6 per cent in the Loyalty Islands. In 1996, the native Kanak population made up 77.9 per cent of the population of the North Province and 97.1 per cent of the population of the Islands, whereas it only made up 25.5 per cent of the population of the South Province. With respect to the Territory's second largest population, persons of European origin, 89 per cent of them live in the South Province. About 60 per cent of the population is Catholic and 30 per cent Protestant; 10 per cent profess other religions. The official language is French, and about 28 Melanesian-Polynesian dialects are spoken.

3. The Nouméa Accord (A/AC.109/2114, annex), signed in May 1998 between the Government of France, the pro-independence Front de libération nationale kanak socialiste (FLNKS) and the integrationist Rassemblement pour la Calédonie dans la République (RPCR), has fundamentally altered the political and administrative arrangements in New Caledonia. Under the terms of this Accord, the New Caledonian parties opted for a negotiated solution and progressive autonomy from France rather than an immediate referendum on political status. The transfer of powers from France began in 2000 and is to end in 15 to 20 years, when the Territory will opt for either full independence or a form of associated statehood. The political and legislative process which is under way and the new institutional arrangements in place in New Caledonia are described in chapter II. The characteristics of New Caledonia's economy and employment as well as current efforts to implement a policy of redressing economic and social imbalances between the more prosperous South Province and the less developed North Province and Loyalty Islands are described in chapter III.

II. Political situation

A. Background

4. The Nouméa Accord provided for a number of steps towards a negotiated consensual solution for the future of the Territory. As stated in the Preamble to the Agreement, "this solution will define the political organization of New Caledonia and the arrangements for its emancipation over the next 20 years". Among the steps to be taken were constitutional amendments, the creation of new institutions, the full recognition of Kanak identity and rights, the establishment of parameters for the electorate and the gradual transfer of powers from the French State to New Caledonian authorities.

5. On 6 July 1998, the French Parliament passed a constitutional reform by 827 votes to 31 that inserted two articles, 76 and 77, into the French Constitution. Article 76 provided that the people of New Caledonia would be called upon before 31 December 1998 to express their views on the provisions of the Nouméa Accord. Article 77 provided that, following approval of the Accord, a Constitution would be submitted to a vote in Parliament in order to enable New Caledonia to move forward on the basis of the Accord.

6. Prior to the referendum, the two major parties of New Caledonia, FLNKS and RPCR, had both campaigned for approval of the Accord among their respective constituents. The Accord was ratified by New Caledonians in a referendum held on 8 November 1998. With 74 per cent of the electorate voting, 72 per cent voted in favour of the Accord.

7. Following the referendum, the Secretary of State for Overseas Territories of the Government of France issued a communiqué pointing out that the Nouméa Accord provided for the renewal of relations between France and New Caledonia and would be translated into a draft organic law. This organic law and an ordinary law were presented in the French Parliament. The organic law codified the matters addressed in article 77 of the constitutional reform, namely, the powers that would be transferred to the newly created institutions in New Caledonia, the organization of those institutions, rules concerning New Caledonian citizenship and the electoral regime and conditions and deadlines by which New Caledonians would determine their accession to full sovereignty. The ordinary law dealt with other, mainly economic and social, matters covered in the Nouméa Accord. The French legislature ratified both laws on 19 March 1999.

8. The issue of eligibility to vote in future elections in New Caledonia also required legislative action during 1999 (see A/AC.109/2000/4, para. 22, for coverage of the matter). Still pending is the scheduling of a special session of the French Congress (a joint sitting of both the National Assembly and the Senate) to ratify a constitutional amendment related to voter eligibility (see paras. 58 to 60).

B. The new governmental structure

9. The governmental structure created as a result of the entry into force of the above-mentioned organic law is set out below.

10. The Congress is the deliberative assembly of New Caledonia. It comprises 54 members, consisting of 7 from the Provincial Assembly of the Loyalty Islands, 15 from the Provincial Assembly of the North Province and 32 from the Provincial Assembly of the South Province. Members are elected for five years.

11. The Government is the executive of New Caledonia. It is elected by the Congress and is responsible to it. It is composed of between 5 and 11 members, the exact number to be fixed by Congress prior to the election of the Government. The Government prepares and executes the decisions of Congress. The Government names public and administrative officers, oversees the execution of public works, manages local resources, gives its opinion regarding projects that involve the mines in the Territory and prepares the codification of the Territory's laws.

12. The provincial assemblies are responsible for all matters relating to the province that are not directly attributed to the President of the Provincial Assembly. The President of the Provincial Assembly acts as the executive of the province and, as such, is responsible for the administration of the province and the management of public employment at the provincial level. Members of the Assembly are elected for five years.

13. The Economic and Social Council advises the Government on projects and possible laws that have an economic or social character. It comprises 28 representatives of professional, labour and cultural organizations, 2 members designated by the Customary Senate and 9 personalities that are representative of the economic, social and cultural life of New Caledonia designated by the Government on the advice of the provincial assemblies.

14. The customary councils are a parallel set of institutions in eight areas and are designed to accommodate the full political recognition of the Kanak identity. In addition, there is a Territory-wide Customary Senate, comprising 16 members, 2 selected by each customary council. The Customary Senate is represented in the Economic and Social Council, the Administrative Council, the Consultative Council on Mines and local development agencies. The Customary Senate and the councils are to be consulted by the executive and legislative organs of New Caledonia on matters that have to do directly with the Kanak identity.

C. Recent developments

15. Following the ratification of the Nouméa Accord by the people of New Caledonia and the codification of its provisions into French law as described in paragraphs 5 to 7 above, New Caledonia is no longer considered an overseas territory under article 74 of the Constitution. Instead, the Government of France describes it as a community sui generis which has institutions designed for it alone and to which certain powers of State will gradually be transferred and will be non-revocable. Accordingly, the establishment of new institutions proceeded throughout 1999 according to an agreed timetable. In turn, 2000 was the first complete year during which the new institutions of

New Caledonia were expected to exercise their prerogatives.

16. In May 1999, elections were held for the provincial assemblies and Congress. In the voting for the provincial assemblies, for a total of 74 seats, RPCR obtained a majority in the South Province while FLNKS obtained a majority in the other two provinces. Of those voted into the provincial assemblies, 54 then became members of New Caledonia's Congress. Thus, RPCR obtained a relative majority of 24 seats in Congress, followed by FLNKS, which obtained 18 seats.[2] In July 2000, the elections were repeated in the Loyalty Islands after the French State Council ruled that there had been irregularities in the handling of proxy votes. The results confirmed the majority held by the FLNKS coalition in the Loyalty Islands provincial assembly and, consequently, the Congressional balance remained unchanged. RPCR Senator Simon Loueckhote was subsequently re-elected Chairman of Congress, defeating the FLNKS nominee Richard Kaloï by 33 votes to 18.[3]

17. Congress elected the first Government of New Caledonia on 28 May 1999. Presided over by Jean Lèques (RPCR), Mayor of Nouméa, the Government had 11 members, six from RPCR, four from FLNKS and one from the Fédération des comités de coopération indépendantistes (FCCI), a dissident offshoot of FLNKS allied with RPCR. During the municipal elections, held in New Caledonia from 11 to 18 March 2001, President Lècques was re-elected Mayor of Nouméa. He then announced that he wanted to give priority to his responsibilities as Mayor and that he would step down from the Presidency of the Territory.[4] His resignation automatically required the resignation of his Government and new elections to be held by the 54 members of Congress.[5] On 5 April 2001, Pierre Frogier, member of the RPCR and of the French National Assembly, was elected New Caledonia's second President. Déwé Gorodey of the FLNKS was elected Vice-President. A Kanak university professor, Gorodey is the first woman to hold this position; she also remains in charge of culture, youth and sports.[6] The new Cabinet still reflects an integrationist majority of 7 out of 11 seats; RPCR holds six portfolios and its ally FCCI holds one. On the pro-independence side, FLNKS received three portfolios and one of its components, Union Calédonienne, received one.

18. The Customary Senate, considered the guarantor of Kanak identity, was formally constituted on 27 August 1999. The 16 new senators elected as their first president High Chief André Théan-Hiouen, traditional leader of the Tarana area and representing the Hoot Ma Waap constituency, north of Nouméa. The Customary Senate has a rotating presidency in order to accommodate each of the seven customary areas. Thus, High Chief Théan-Hiouen was recently succeeded by High Chief Wanabo of the Laai area. During the past year, the members of the Customary Senate made official visits to metropolitan France (from 5 to 17 October 2000) and to Benin (from 31 October to 21 November 2000).

19. After a delay of several months, New Caledonia's Economic and Social Council was formally established on 2 February 2000. Headed by Mr. Bernard Paul (RPCR), the Council is composed of 39 members, of whom 28 represent professional organizations, labour unions and associations which reflect the economic, social and cultural life of New Caledonia. The Council continues to be consulted by Congress on all economic and social matters.

20. As foreseen by the Nouméa Accord, in 1999 the new institutions began to enact "laws of the country" (lois de pays), which have the full force of the law and can only be contested before the Constitutional Council. The first "law of the country", which was unanimously approved by Congress on 19 October 1999, renewed for two years the national health coverage for medical practitioners, dentists and nurses. In November 1999, another "law of the country" was passed, this time to reinstate a general tax on services. The President of the Provincial Assembly of the Loyalty Islands (FLNKS) challenged the constitutionality of such a measure but, in January 2000, France's Constitutional Court declared the measure constitutional. Four additional "laws of the country" on fiscal matters were enacted during 2000, while an additional two, on labour issues, were enacted in January 2001.

21. In addition, as set out by the Nouméa Accord, the French State began to transfer, as of 1 January 2000, the following services and jurisdictions to the Government of New Caledonia:

Imposition and allocation of taxes to benefit funds for the territorial collectivities, public establishments or public service agencies; imposition of taxes, provincial and community taxes;

Guiding principles of labour law, occupational training and labour inspection; access to local employment;

Work by foreign nationals;

Sanitary controls at borders;

Customary civil status: customary lands and "palavers"; delimitation of customary areas; modalities for designating the Customary Senate and customary councils;

Foreign trade; import regulations;

Regulation of direct foreign investment;

External postal and telecommunications services;

Navigation and external shipping services; registration of ships;

External air services, except the air service between New Caledonia and other points of the territory of the French Republic;

Exploration, exploitation, management and conservation of the resources of New Caledonia's exclusive economic zone;

Regulations concerning fuel oils, nickel, chromium and cobalt;

Hospital establishments;

Primary education: curricula, teacher training and inspection of teachers;

Rules applicable to cooperative societies and mutual insurance;

Powers exercised in association between the State and New Caledonia: external relations; entry and stay of foreign nationals; law and order; gambling; audio-visual communication; research, higher education; and secondary education.

22. It is also foreseen that several State bodies may be transferred to the New Caledonian authorities following requests from Congress. According to the Government of France, measures are currently under way for the transfer during 2001 of the Institut de Formation des Personnels Administratifs (IFPA) and the Office des Postes et Télécommunications (OPT). Also requested by Congress is the transfer of State shares in ENERCAL, the company which produces almost all of the Territory's electrical power. Still pending to complete the administrative reorganization of the Territory is the signature of seven conventions between the French State and the Government of New Caledonian covering inter alia, the administration of civil aviation agriculture, maritime affairs and judicial protection of youth.

23. In spite of the considerable institutional and administrative advances described above, progress has been hindered in the past two years by the friction between RPCR and FLNKS due to their differing interpretations of "collegiality" in government matters. The debate grew out of the absence of any precise definition of collegiality in organic law No. 99-209 of 19 March 1999, article 128 of which states simply that the Government is responsible collegially and jointly for matters within its competence. At that time, the election of Léopold Jorédié, a member of FCCI, for Vice-President, rather than Roch Wamytan, President of FLNKS and a signatory to the Nouméa Accord, was judged contrary to the spirit of the Accord by part of the pro-independence camp. Following this, the FLNKS members of the Government chose to appeal to the administrative courts and lodged several appeals against congressional resolutions and government decrees. According to information provided by the Government of France, some of the appeals of FLNKS on formal grounds have had budgetary consequences, such as the annulment of certain tax revenue allocated to the employment agency, rural development and the tourism promotion campaigns.

24. The opposing positions over the concept of collegiality remained in place throughout 2000. On 2 May 2000, representatives of RPCR and FLNKS met under the chairmanship of the French Secretary of State for Overseas Territories, Jean-Jack Queyranne, for the first meeting of the Committee of Signatories of the Nouméa Accord. While both the RPCR and FLNKS delegations expressed satisfaction at the prompt establishment of new institutions, each restated their differing understanding of the idea of collegial government. As stated in the record of conclusions of the meeting:

> "For the FLNKS, 'collegiality' implied that all the members of the Government should be associated with the process of preparing and making decisions, with consensus-building needing to remain a constant prime goal and majority decision-making only being resorted to in the last instance. For the RPCR, 'collegiality' means that the majority is obliged to inform and

associate with the minority and to seek consensus; where consensus is not possible, any remaining differences of opinion should be resolved by voting."

25. The views of the Government of France on the matter of collegiality were expressed by Mr. Queyranne at the opening session of the Committee of Signatories. After reiterating the remarkable achievements of the parties in implementing the provisions of the Nouméa Accord, he added the following:

> "Collegiality in government, which is the guarantee of the effective functioning of New Caledonia's executive branch, must bring institutional balance, political stability and success to the Nouméa process by combining the partnership of Caledonians in their diversity and a concern to allow decisions to be taken. Even if it does not preclude it, it differs from the logic of the majority, which, in a land that has been as divided as yours, has led — and would inevitably lead — to the creation of a gulf between two camps, two communities and two political formations; nor should it lead to a wait-and-see attitude that would immobilize the Government. In a Government like yours, in which each member is charged, under the leadership of the President, with guiding and supervising a sector, rather than directing it, collegiality means, first of all, transparency and sharing of information, on a daily basis and in a timely manner, among all the members of the Government; secondly, it means systematic consensus-building ahead of time, which will ensure the soundness of the decisions taken; majority voting, if it proves necessary, must be used only as a last resort to avoid a stalemate, bearing in mind that the entire Government will be bound by the outcome. In brief, it is not a question of dominating but of first convincing, then assuming responsibility collectively."

26. Christian Paul, who succeeded Mr. Queyranne as Secretary of State for Overseas Territories in August 2000, made a similar appeal for the parties to uphold the spirit of the Nouméa Accord when he visited New Caledonia in October 2000 for the inauguration of the eighth Pacific Arts Festival.

27. According to press reports, the new Government, elected in April 2001, under President Pierre Frogier and Vice-President Déwé Gorodey, is seen as moving towards a more desirable collegial spirit. The day after the elections in Congress, the President was quoted as saying, "We have decided to together set New Caledonia on a new course and to work in a new spirit". For her part, the Vice-President stated that the members of FLNKS had "repeatedly demanded the Vice-Presidency in order to ensure that the letter and the spirit of the Nouméa Accord are respected". FLNKS leader Roch Wamytan also expressed satisfaction: "the discussions have enabled us to regain our rightful place within the Government, with the Rassemblement occupying the Presidency and FLNKS the Vice-Presidency".[7]

28. Other important issues discussed by the parties at the May 2000 meeting of the Committee of Signatories was the need to agree on general policy and the application of the provisions of the Nouméa Accord and the organic law of 1999 on the following: Kanak identity and culture (land tenure, development of customary land, customary law and a special agreement between the State and New Caledonia on cultural development); training policies for secondary and tertiary students and establishment of the new "cadres avenir" (managers for the future) project; external relations (see para. 29); and the drafting of a special agreement on the status of people from Wallis and Futuna who live in New Caledonia.

29. With respect to New Caledonia's international relations, the first Meeting of the Committee of Signatories agreed on the importance of developing trade and other relations within the Pacific region and decided to establish a steering group on external relations to coordinate action by the State, New Caledonia and the provinces. Another concern expressed was the need to establish better links within the European Union in order to capitalize on available aid programmes and the trade regime for which New Caledonia qualifies as an overseas territory. It was agreed that, in the long term, a specially trained diplomat would be required to represent New Caledonia in Brussels. In keeping with the above, during 2000, New Caledonia continued to develop its contacts with its Pacific neighbours. Having been admitted as an official observer to the Pacific Islands Forum in 1999, the Territory was represented by Vice-President Léopold Jorédié at the Forum's annual meeting in Kiribati, in October 2000. The Vice-President also represented New Caledonia at the Sixth

Pacific Islands Conference of Leaders, held in Hawaii in January 2001, under the theme "Pacific peoples' futures in an era of globalization: how do we care for and share with others?"[8] Representatives of the Territory have attended numerous technical meetings convened by the Pacific Islands Forum, the Pacific Community and the United Nations system. They took part in negotiations on fisheries held in Hawaii and, inter alia, in bilateral talks with Japan and Papua New Guinea. During 2000, there were high-level diplomatic visits to the Territory, such as those by the Minister for Foreign Affairs of Vanuatu in May to discuss trade[9] and by the Ministers for Foreign Affairs and Trade, and Conservation of New Zealand in December. According to press reports, the New Zealand delegation included seven parliamentarians, 14 representatives of non-governmental organizations and academics, and it sought to study New Caledonia's progress towards autonomy and discuss regional security.[10] A number of high-level international contacts also took place during the eighth Festival of Pacific Arts, held in New Caledonia from 23 October to 3 November 2000. The Festival brought together more than 2,200 artists and officials from 24 Pacific nations who attended events held in all three provinces to celebrate the cultures and traditions of the region.

30. According to the Government of France, the above-mentioned developments reveal both active international support for the Nouméa process and a better insertion of New Caledonia in its regional environment. In this respect, a "foreign relations" group regularly brings together interested parties for meetings with the President and the High Commissioner. In addition, New Caledonian professionals are receiving diplomatic training.

III. Economic data and developments

A. General

31. The 1996 census data set the active population of New Caledonia at 80,589 people, with an unemployment rate of 18.6 per cent for the entire Territory. Unemployment figures are lower, however, in the South, where the majority of the employment opportunities arise, and higher in the North and the Islands. According to information provided by the Government of France, in 1996, New Caledonia had a gross domestic product (GDP) valued at 335 million Comptoirs Français du Pacifique francs (CFPF), equivalent to US$ 3.56 million, or 1.7 million CFPF (US$ 18,085) per capita. Thus, the Territory ranked between New Zealand and Australia in terms of "created wealth" per person and at the average level by European standards. Nonetheless, in spite of its economic assets, New Caledonia also suffers from structural imbalances. Therefore, in the context of the Matignon Accords of 1988 (see A/AC.109/1000, paras. 9-14) and the Nouméa Accord, much of the efforts of the Government of France and New Caledonian institutions in the past decade have been aimed at redressing the balance in terms of infrastructure, social services and employment possibilities among the three provinces. According to the Government of France, development contracts agreed on for 2000-2004 include a 25 per cent increase in credits as compared with those for 1993-1997. The 2.3 billion French francs (FF) provided by the State for development of the Territory for the 2000-2004 period is allocated as follows: FF 738 million for the North Province, FF 442 million for the South Province, FF 348 million for the Loyalty Islands, FF 313 million for the greater Nouméa area and FF 259 million for Territory-wide projects. In addition, the local government units ("communes") and inter-community projects will receive FF 125 million and FF 103 million, respectively. Also in line with the principles of the Nouméa Accord, the North Province and Loyalty Islands receive 70 per cent of State credit, while the South Province receives the remaining 30 per cent.

32. According to figures released by the Institut territorial de la statistique et des études économiques (ITSEE), most sectors of the New Caledonian economy performed strongly in 2000. Imports were 5.3 per cent higher than in 1999. They have been moving upward for the last five consecutive years, reflecting strong investments in infrastructure and resource development projects, but the figures for 2000 were particularly affected by higher oil prices and the depreciation of the CFP franc against the United States dollar. At the same time, exports rose by 44.2 per cent, driven by a record performance in the nickel industry, which earned nearly CFPF 70 billion in 2000. Tourism and seafood exports also performed strongly (see paras. 38-39). The trade deficit in 2000 was CFPF 43.4 billion, down from CFPF 60.5 billion in 1999.[11]

B. Mineral resources

33. New Caledonia's economy is dominated by the nickel industry. The Territory has more than 20 per cent of the world's known nickel resources, is responsible for 6 per cent of the world's nickel output and employs some 3,500 people in firms of varying size. In 1998, nickel sales were negatively affected by the economic crisis in Asia, which provoked a 33-per-cent decline in the world price of nickel. During 1999, the increased demand for nickel from stainless steel makers and the steady improvement of nickel prices on international markets gave new confidence to the local economy. Although this is a highly dynamic sector, which makes up 90 to 95 per cent of New Caledonia's exports and which, in turn, generates numerous related economic activities, it is fragile in that it is almost entirely dependent on international demand and nickel prices. Thus, emphasis is currently being placed on the development of local metallurgical production (which creates more wealth) rather than on mineral exports. According to the Government of France, there was sustained international demand for New Caledonian mineral products during 2000. A total of 57,463 tons of metallurgical products was produced in 2000, 1.8 per cent more than in 1999, while mineral production in 2000 rose to 7.5 million tons, a 13 per cent increase with respect to 1999.

34. It will be recalled that a precondition for the talks that led to the Nouméa Accord was the transfer of nickel reserves from the French State-owned company, Eramet, to the Kanak-controlled Société minière du Sud-Pacifique (SMSP) (see A/AC.109/2114, para. 8). This transfer permitted SMSP to go ahead with plans for the construction of a smelter in the north of the island in a joint venture with the Canadian company Falconbridge. Under an agreement signed in February 1998, the Poum nickel deposit belonging to SMSP would be exchanged for the richer Koniambo deposit belonging to Eramet's New Caledonian unit, Société Le Nickel (SLN). This deposit would feed the planned new smelter. In January 2000, SMSP/Falconbridge announced that their feasibility study for the new smelter would be completed by the end of 2002, three years ahead of schedule. Initial surveys indicate that the mineral deposits at Koniambo are of good quality and will last at least 25 years. The new smelter, to be situated 270 kilometres north of Nouméa, would produce some 54,000 tons of nickel ore per year. Recent statements issued by Falconbridge estimate that the plant will employ over 2,000 local people, 750 of them directly at the smelter and 1,500 indirectly. Other employees recruited in New Caledonia are currently undergoing training in Canada.[12]

35. Anther plant, to be built shortly by the International Nickel Company (INCO) of Canada, is expected to exploit mineral deposits in Goro, South Province. After monitoring the results of a pilot plant, built in October 1999 to simulate mining conditions on a small scale, INCO confirmed in April 2001 that it would invest some US$ 1.4 billion in a nickel and cobalt mining project. The plant is scheduled to be completed by the end of 2004. Production capacity is expected to reach 54,000 tons of nickel per year and 5,400 tons of cobalt per year, and an estimated 800 direct jobs are to be created in the process.[13]

36. A significant development during 2000 was the conclusion of a long-awaited agreement to allow New Caledonia's three provinces to become shareholders in nickel production. A provision of the Nouméa Accord and a further step in the economic rebalancing process, the agreement was delayed owing to disagreements between RPCR and FLNKS. Its signature on 17 July 2000 was welcomed by French Prime Minister Lionel Jospin, who paid tribute to the "spirit of dialogue" which had made it possible. The agreement established a new company, the Société Territoriale Calédonienne de Participation Industrielle (STCPI) to hold 5.3 per cent of Eramet shares and 30 per cent of shares in Eramet's New Caledonian subsidiary, SLN. STCPI assets were, in turn, distributed equally between the South Province development company, Promosud, which owns half the shares, and a joint venture company of the North Province and Loyalty Islands, called Nordil, which holds the remaining 50 per cent. In November 2000, New Caledonia was shaken by the death, in a helicopter crash, of the President of STCPI, Raphael Pidjot, together with the entire senior management of SMSP and associates from Falconbridge. Mr. Pidjot was considered to be a leading light among Kanak entrepreneurs and a major architect of the nickel-related aspects of the Nouméa Accord.[14]

37. Potentially encouraging for the future economy of New Caledonia was the discovery off its western coast in November 1999 of what is believed to be the world's largest gas deposits, measuring 80,000 square kilometres. The finding was made by the research vessel *L'Atalante* during the course of a study to

evaluate marine and mineral resources in New Caledonia's exclusive economic zone. Initial results indicate that the reserves are much larger than first thought when the field was discovered in May 1998 by a joint French-Australian mission. A further exploration is to be carried out in 2001 by the Institut français de recherche pour l'exploitation de la mer (IFREMER) in cooperation with the Institut français du pétrole and the ELF group. During the period under review no further information has been made available on this matter.

C. Other economic sectors

38. Other sectors that contribute to New Caledonia's GDP are public administration, commerce, services, construction and public works, small and medium industry, agriculture and tourism. While agriculture and fisheries account only for 2 per cent of GDP, they increasingly occupy a central place in New Caledonian society, employ some 30 per cent of the population and make it possible to contain the rural exodus. Rural development projects are aimed at increasing the local market, thereby decreasing the need for imported goods and further enhancing the possibilities of exporting produce such as prawns and tuna. According to figures released by ITSEE, the value of seafood exports in 2000 rose by 10 per cent compared with 1999, and was 50 per cent higher than in 1998. Prawn exports reached 1,253 tons valued at CFPF 1.8 billion, and the value of fresh tuna sold to the Japanese market rose by 50 per cent to CFPF 500 million.[15]

39. Tourism is regarded as another promising sector. According to official statistics, a record 109,587 visitors came to New Caledonia by air during 2000, a 12.1 per cent increase over 1999.[16] New Caledonia's major tourism sources are Japan, metropolitan France, Australia and New Zealand. Arrivals by yacht also increased significantly during 2000 owing to the America's Cup yacht race in New Zealand, the Olympic Games in Sydney, Australia, and the Festival of Pacific Arts in Nouméa. There is an ample supply of hotel rooms and plans are under way for the construction of new hotels and ecotourism ventures. However, the improvement of airline services remains an important priority for the Territory if tourism and other economic activities are to be developed further. In the light of the departure of Corsair and Continental-Micronesia lines in recent years and the possible withdrawal of Air France in 2002, the Government of New Caledonia announced its intention in October 2000 to acquire three Airbus aeroplanes for its flag carrier, Air Calédonie International (AirCalin). Two of the aeroplanes would be devoted to the Nouméa-Osaka and Nouméa-Tokyo routes, and a third to regional links to Australia, Wallis and Futuna, New Zealand and French Polynesia. In May 2001, the decision by the French airline AOM-Air Liberté to cease operations, including the recently established Nouméa-Los Angeles-Paris route, dashed hopes for increased tourism from the United States of America.[17] In the light of AOM-Air Liberté's decision, the French Ministry of Transport announced the Government's intention to urge airlines to reinforce their services to the overseas territories.[18] The New Caledonian authorities are awaiting a final decision from the French State on tax exemptions for the purchase of the new Airbus aeroplanes.

D. Labour

40. While during 1998 and 1999 there were a considerable number of labour disputes in New Caledonia, according to the administering Power, the number of labour disputes and their effects decreased noticeably during the second half of 2000. Before that, there were three disputes of note, namely, the January 2000 strike by the Union Syndicale des Travailleurs Kanak et Exploités (USTKE) against the management of the domestic airline Air Calédonie; the February 2000 strike by the Union syndicale des ouvriers et employés de Nouvelle-Calédonie (USOENC-Mines), which paralysed activities at the Donimabo nickel smelter for two months; and, finally, the labour dispute in April and May 2000 between USTKE and the management of the Numbo Cement Works. On 20 October 2000, 11 out of 15 unions and employer groups signed a "social pact", setting out a new framework for labour relations. The 20-page agreement was the result of lengthy negotiations led by two members of the Government (members of RPCR and FLNKS) and two presidents of congressional commissions (members of FCCI and FLNKS). According to press reports, the agreement aims to end the frequent degeneration of labour disputes into strikes and lockouts. It also addresses the issue of minimum wages and improved working conditions.[19] Among the dissenting unions which did not sign the pact was the Union Syndicale des Travailleurs Kanak

et Exploités (USTKE), reportedly owing to the inclusion of provisions related to mandatory mediation.

IV. Consideration of the question by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

41. A representative of the Government of New Caledonia and a representative of the FLNKS participated in the Pacific Regional Seminar organized by the Special Committee to review the political, economic and social conditions in the small island Non-Self-Governing Territories and held at Majuro, Marshall Islands, from 16 to 18 May 2000.[20]

42. The Special Committee considered the question of New Caledonia at its 7th and 11th meetings, on 10 and 12 July 2000. At its 7th meeting, the Chairman drew attention to the working paper prepared by the Secretariat (A/AC.109/2000/4). At the same meeting, in accordance with a decision taken by the Committee, a statement was made by Paul Néaoutyne, on behalf of the FLNKS (see A/AC.109/2000/SR.7).

43. Mr. Néaoutyne stated that the Nouméa Accord had ushered in an important phase, which had been reflected in the development of the relations among the United Nations, France and New Caledonia. The Nouméa Accord stipulated that the process of emancipation would take place with the full knowledge of the United Nations, and all parties to the Accord were obliged to submit relevant information in a transparent form.

44. France's national representative organs had approved almost unanimously the gradual process of decolonization provided for in the Nouméa Accord and had incorporated it in the Constitution, stipulating the following elements: restoration of the Kanak identity; establishment of a citizenship of New Caledonia; gradual and phased transfer of sovereign powers, except in the areas of justice, defence, public order, finance, foreign relations and establishment of citizenship on the basis of national origin; transfer by France to the jurisdiction of New Caledonia of development mechanisms; and establishment of a legislature and a Government of New Caledonia.

45. In the referendum held on 8 November 1998, 72 per cent of those entitled to vote had approved that process. The reflection in the Nouméa Accord of the sui generis principle in the context of French legislation had, in fact, been the result of the persistent political negotiations conducted by FLNKS. Following the restoration of their identity and dignity, the Kanak people could consent to have a common future with the other cultural groups with which it was to share a common citizenship. For that purpose, New Caledonia had rich natural resources, particularly nickel, and the prospects for its industrial exploitation were currently being studied in the North and South Provinces.

46. Mr. Néaoutyne stated that, over the preceding year, the following results had been achieved in implementing the Accord: a Customary Senate had been established; the organs of power were being elected on an equitable basis; a system of social services was operational; prospects for the implementation of projects in the economic field were being studied; and the citizens, having approved the Accord, were seeking various ways of realizing the goals set forth therein. FLNKS wished to call on the United Nations to be vigilant and to warn its partners under the Accord of the danger that the Accord might collapse as a result of such factors as the failure to resolve the issue of the composition of the electorate; non-compliance with the principle of collegiality in the work of the Government of New Caledonia; delays in the implementation of the agreements on development issues to which the State and local groups were parties; delays in the transfer of the Eramet/SLN group to the partial jurisdiction of the provinces of New Caledonia; attempts to undermine the Bercy Agreement setting out the process for the establishment in the North Province of a metallurgical plant for the treatment of nickel; and non-compliance with a range of provisions of the Nouméa Accord and the organic law. FLNKS considered it crucial that the United Nations should continue to follow closely the developments in New Caledonia until it achieved full emancipation.

47. Also at the 7th meeting of the Special Committee, in accordance with a decision taken by the Committee, a statement was made by Jean Lèques, President of New Caledonia.

48. Mr. Lèques stated that the road to the 1998 Nouméa Accord had not been smooth. In the wake of the strife that had rent the archipelago, the Matignon Accords had been signed in 1988. The subsequent period had been devoted to correcting imbalances and assigning responsibilities. There had been noteworthy efforts in the field of economic development, largely thanks to substantial financial support from France. The Accords had provided for the holding of a referendum on self-determination in 1998. However, since the majority of the population would have favoured remaining within the French Republic, such a referendum would have led in reality to renewed strife and would have jeopardized the successes achieved. Therefore, since 1991, Jacques Lafleur, the deputy representing New Caledonia in the French Parliament, had advocated a consensus solution that would be accepted by all sections of the population.

49. Mr. Lèques added that the Nouméa Accord had been a consensus solution that took fully into account New Caledonia's specific features. It provided for a considerable broadening of New Caledonia's responsibilities, the transfer of executive power to a collegial local government and the establishment of a Customary Senate. There was a strong focus in the Accord on issues of Kanak identity, but at the same time it was firmly oriented towards the future, towards the forging of a common destiny accepted by all. France would accompany New Caledonia on that road, which led first through economic and social development for the benefit of all. In its one year of existence, the Government of New Caledonia had held 55 meetings and considered no fewer than 1,250 issues, and almost all decisions had been adopted unanimously. The decisions taken had concerned, inter alia, restructuring of customs duties, conclusion of fishing agreements, establishment of an air service, introduction of a common system of social coverage, enhancement of road safety, development of a blueprint for employer-labour relations and preparations for a festival of Pacific arts. Regarding legal aspects, the Accord allowed the Congress of New Caledonia to pass resolutions of a legislative character. That had necessitated the amending of the French Constitution, and France had done so without hesitation. That decision, which broke with traditional models and acknowledged New Caledonia's specific features, would ensure political and social stability for the next 20 years, although daily effort would be required to overcome conflicts and difficulties. Recently, a committee consisting of the three sides that had signed the Nouméa Accord had met for the first time. The sides had expressed unanimous support for what had been achieved and had begun to plan the next stage.

50. The United Nations mission that had visited New Caledonia in August 1999 had expressed keen interest in the innovative system functioning there.

51. Foreigners often perceived the population of New Caledonia as consisting of only two communities. In fact, it was a multi-ethnic society (Melanesians, Europeans, Wallis Islanders, Indonesians, Vietnamese, Polynesians and others) in which there was room for everyone.

52. Mr. Lèques stated that, in future, New Caledonia would play its part, alongside France, in foreign relations at the international and regional levels. In an era of globalization, the Nouméa Accord gave New Caledonia the opportunity to act as a bridge between Oceania and Europe. On 6 October 1999, New Caledonia had been granted observer status in the South Pacific Forum (now the Pacific Islands Forum), thus paving the way for increased cooperation among the countries of the region. In addition, New Caledonia was linked to the European Union through an association provision. In 20 years' time, New Caledonians were to undertake an act of self-determination, deciding on the future of the Territory. He was counting on the support of the French State, in which the vast majority of the population of New Caledonia had decided to remain, and of the United Nations and the international community as New Caledonia advanced on the road mapped out in the Nouméa Accord. The periods of strife on the archipelago must never return.

53. At the 11th meeting of the Special Committee, the representative of Papua New Guinea introduced draft resolution A/AC.109/2000/L.7 and revised the draft by adding the words "including preliminary studies relating to hydrocarbons" at the end of paragraph 12 (see A/AC.109/2000/SR.11). At the same meeting, the Special Committee adopted the draft resolution without a vote (A/AC.109/2000/25); afterwards statements were made by the representatives of the Syrian Arab Republic, Chile and Antigua and Barbuda.

B. Special Political and Decolonization Committee (Fourth Committee)

54. At its 7th meeting, on 29 September 2000, the Special Political and Decolonization Committee (Fourth Committee) heard a statement by Roch Wamytan, President of FLNKS.

55. Mr. Wamytan stated that 1998 had been a turning point in the political history of New Caledonia, with the signing on 5 May of the Nouméa Accord between FLNKS, RPCR and the Government of France, under which they had agreed to seek a negotiated solution for the creation of a new institutional framework. Nearly 72 per cent of the population had voted on the referendum on the Nouméa Accord, held on 8 November 1998, thereby demonstrating a readiness to determine its future independently. Since 1986, when New Caledonia had been reinscribed in the list of Non-Self-Governing Territories, the FLNKS, the legitimate spokesman for the aspirations of the Kanaks, the Territory's indigenous population, had been speaking before the Committee to defend the legitimate rights of the Kanaks, which had been recognized by the United Nations. That was why its participation in the Committee's important work was essential. New Caledonia was rich in natural resources, including nickel and cobalt. The people of the Territory must be given the opportunity for constructive involvement in economic activity, including mineral mining. One possible step in that direction was the creation of the Société Territoriale Calédonienne de Participation Industrielle.

56. Serious problems arose, however, in the implementation of the Nouméa Accord. Although the goals of the Accord had been clearly formulated, namely the creation of new political structures and the gradual preparation of the Territory for full sovereignty, RPCR had broken with the principle of collegiality and the agreement on power-sharing. That aroused anxiety in the population of the Territory and its representatives, who considered that the Nouméa Accord gave the parties peaceful means of solving problems and of avoiding clashes between representatives of various ethnic communities. Despite that difficult situation, FLNKS had not lost hope of finding a solution to the problems hindering the fulfilment of the Accord and the restoration of sovereignty to the Territory's population, the Kanaks. The Government of France, for its part, was not only an intermediary but also a major participant in the Nouméa Accord and should work for the renewal of dialogue between FLNKS and RPCR and the furthering of the process begun with the signing of the Nouméa Accord.

57. In conclusion, Mr. Wamytan confirmed the readiness of FLNKS to comply with the Accord and called on the United Nations to focus its attention on the liberation of New Caledonia from colonial dependence with a view to the realization by the people of that Territory of their inalienable right to self-determination (see A/C.4/55/SR.7, paras. 39-41).

58. At the same meeting, the representative of Papua New Guinea recalled that he had submitted the report of the visiting mission to New Caledonia (A/54/921, annex) and drew attention to paragraph 33 thereof, which referred, inter alia, to the fulfilment of the constitutional process in accordance with the Nouméa Accord. He asked Mr. Wamytan about the likelihood that the French National Assembly and Senate would ratify the relevant amendments to the French Constitution.

59. Mr. Wamytan stated that the only point which remained was for the French National Congress (a joint session of the National Assembly and the Senate) to pass a draft bill for a Constitutional amendment which would limit the electorate authorized to vote in New Caledonia's provincial elections of 2004, 2009 and 2014. He added that, according to the Secretary of State for the Overseas Territories, it was possible for the joint session to be held during the first quarter of 2001.

60. The representative of France confirmed that the amendments to the criteria for formation of the electorate had been adopted by the French National Assembly and Senate and were now awaiting ratification at a joint session of the two bodies.

61. At its 8th meeting on 3 October 2000, the Fourth Committee adopted the draft resolution on the question of New Caledonia[21] without a vote (see A/C.4/55/SR.8, para. 40).

C. General Assembly

62. At the 83rd plenary meeting of the General Assembly, on 8 December 2000, the Rapporteur of the Special Committee made reference to New Caledonia.

He stated that the Special Committee welcomed certain progress, including steps leading to closer association of the Territory within regional and international organizations and urged all parties involved to maintain their dialogue in a spirit of harmony and in the framework of the Matignon and Nouméa Accords, moving towards an act of self-determination which would safeguard the rights of all New Caledonians (see A/55/PV.83).

63. At the same meeting, the representative of Papua New Guinea, in introducing draft resolution A/55/L.58 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, reaffirmed the value of United Nations visiting missions. In that connection, he added that, in his personal capacity as representative of Papua New Guinea, he had been privileged to visit two Non-Self-Governing Territories, namely, New Caledonia and Guam. His visit to New Caledonia, as head of a visiting mission comprising countries of the Pacific region, at the invitation of the administering Power, had proved to be invaluable in every respect, since it gave the members of the mission an opportunity to learn first-hand about the Territory, its peoples and its political and socio-economic realities and gave the members insight into the challenges the Territory confronts in its quest for self-determination. He noted that the report of this particular mission was contained in the annex to document A/54/921.

64. At the same meeting, on 8 December 2000, the General Assembly adopted without a vote resolution 55/142 on the question of New Caledonia. In that resolution, the General Assembly, inter alia, urged all the parties involved in the interest of all the people of New Caledonia, to maintain, in the framework of the Nouméa Accord their dialogue in a spirit of harmony, and to continue promoting a framework for the peaceful progress of the Territory towards an act of self-determination in which all options would be open. The Assembly welcomed the fact that the administering Power had invited to the Territory, at the time the new institutions were established, a mission that comprised representatives of countries of the Pacific region. The Assembly noted the positive initiatives aimed at protecting the natural environment of New Caledonia, notably the "Zonéco" operation designed to map and evaluate marine resources within the economic zone, including preliminary studies related to hydrocarbons. The Assembly welcomed measures taken to diversify the New Caledonian economy in all fields, as well as the importance attached to greater progress in housing, employment, training, education and health care. It also welcomed the accession by New Caledonia to the status of observer in the South Pacific Forum. The Assembly decided to keep the process unfolding in New Caledonia under continuous review.

Notes

[1] The information contained in this paper has been derived from information transmitted to the Secretariat by the Government of France on 23 April 2001 and from published sources.

[2] *Le Monde*, 11 May 1999.

[3] Economic Intelligence Unit, New Caledonia Country Report, September 2000.

[4] Agence France Presse, 20 March 2001.

[5] *Le Monde*, 21 March 2001, Oceania Flash, 21 March 2001.

[6] Oceania Flash, 8 April 2001.

[7] Les Nouvelles Caledoniennes, 6 April 2001.

[8] Pacific Islands Report, 30-31 January 2001.

[9] Oceania Flash/SPC, 16 May 2000.

[10] Agence France Presse, 4 December 2000 and Oceania Flash, 5 December 2000.

[11] Economist Intelligence Unit, Country Report, 7 March 2001.

[12] Les Nouvelles Caledoniennes/Oceania Flash, 9 May 2001.

[13] Ibid.

[14] *Le Monde*, 30 November 2000.

[15] Economist Intelligence Unit, Country Report, 7 March 2001.

[16] Oceania Flash/SPC, 5 April 2001.

[17] Pacific Magazine, PINA Nius Online, 4 May 2001.

[18] *Le Monde*, 4 May 2001.

[19] Agence France Presse, 20 October 2000.

[20] See A/55/23, part I (to be issued as *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 23* (A/55/23)), chap. II, annex.

[21] Ibid., part III, chap. XIII, sect. D.